

## **Deposition of Clayton Cramer**

**Oregon Firearms Federation, Inc., et al. v. Brown, et al.**

**January 19, 2023**



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Oregon Firearms Federation, Inc., et al. v. Brown, et al.

Clayton Cramer

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

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OREGON FIREARMS FEDERATION,	)	
INC., et al.,	)	
	)	
Plaintiffs,	)	
	)	Case Nos.
v.	)	2:22-cv-01815-IM
	)	3:22-cv-01859-IM
KATE BROWN, et al.,	)	3:22-cv-01862-IM
	)	3:22-CV-01869-IM
Defendants.	)	
	)	
	)	
	)	
(Continued)	)	

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\* VIDEOCONFERENCE \*  
VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION  
OF EXPERT  
CLAYTON CRAMER

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Witness located in:

Middleton, Idaho

\* All participants appeared via videoconference \*

DATE TAKEN: January 19, 2023

REPORTED BY: Tia B. Reidt, Washington RPR, CSR #2798  
Oregon #22-0001

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Ex. 4 - Wilson Decl.

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(Continued)

MARK FITZ, et al.,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, et al.,

Defendants.

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KATERINA B. EYRE, et al.,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, et al.,

Defendants.

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DANIEL AZZOPARDI, et al.,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, et al.,

Defendants.

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1 probably trying to murder a lot more than two.

2 Q. However, the Secret Service definition is of a  
3 mass attack rather than a mass murder. So it didn't  
4 seem as if they were purporting to define mass murder  
5 in the same way that when I read mass murder in your  
6 definition you have kind of the word "murder" in there.  
7 Is there a reason you elected not to go with the FBI's  
8 definition, which I think you state is kind of what's  
9 accepted in scholarly research and is what the FBI  
10 employs?

11 A. In fact, I'm not sure that there's any  
12 agreement that it has to all be in one location or one  
13 event. Because in fact, quite a few of the mass  
14 murders that have been reported over the last 20 or 30  
15 years have involved attacks that took place in several  
16 locations. People commit murders in one place and move  
17 on to commit murders in another place during the same  
18 few hours.

19 Q. And I may have mis- -- misheard. I think your  
20 definition of kind of what the scholarly -- scholarship  
21 in the field accepts is just four or more dead.

22 A. Right.

23 Q. So setting aside the location, is there a  
24 reason you didn't select that definition that you said  
25 is pretty commonly accepted?

1 A. Mostly because of the fact the Secret Service  
2 had this other strange definition of three or more  
3 harmed. And that particular report was, in fact,  
4 almost entirely related to firearms mass murders. They  
5 seem to have paid very little attention to other  
6 categories of mass murder.

7 Q. So it sounds like you have -- FBI, you have  
8 the field of scholarship. And then you happen to have  
9 a mass attack definition kind of hanging out over here  
10 with the Secret Service definition. But you decided to  
11 go with that one instead?

12 A. Well, as I said, I sort of -- I used  
13 components of both of those to come up with a  
14 definition, which seemed to me to be pretty logical.  
15 At least two people are dead, and a lot of other  
16 people -- other people are injured, presumably because  
17 the killer was intending to kill more than those two  
18 people.

19 Q. Okay.

20 So other than kind of the presence of the  
21 Secret Service definition, was there anything else that  
22 led you to base your decision to create your  
23 definition? Did you base it on anything else?

24 A. Nope.

25 Q. Okay.



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1 in this chart? Because --

2 A. Yes.

3 Q. -- when I read it --

4 A. It is.

5 Q. Okay.

6 (Reporter asks parties to speak one at a  
7 time.)

8 MS. DAWSON: Sorry.

9 THE WITNESS: Yes, that is a separate  
10 query I did to find out which ones only involve  
11 non-firearms, which ones only used firearms.

12 BY MS. DAWSON:

13 Q. Okay.

14 Is that number where you have 3,809 for  
15 non-firearms, and you have 2,068 for firearms  
16 reflective of the entire dataset of multiple weapon  
17 incidents in your data?

18 A. Yes.

19 Q. So total, if I were to add those two numbers  
20 together, that's everything that's not included in your  
21 single-weapon-incident chart on page 20?

22 A. Could you ask that question again?

23 Q. If I added the -- the incidents listed on  
24 page 20 in your chart, and I added the two numbers that  
25 you have on the top of page 21, which is 3,809 and

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1 Q. And we have talked a little bit about numbers.  
2 There's numbers elsewhere in your declaration, and I  
3 just want to make certain that I understand what went  
4 into each of them.

5 A. Okay.

6 Q. So I apologize in advance. I'm going to hop  
7 around just a little bit. But I'll let you know which  
8 pages I'm on. So we have page 20 with this chart.

9 I have -- have you added up kind of these  
10 columns to come to a total for your  
11 single-weapon-incident chart?

12 A. I have not added them up, no.

13 Q. Does 10,032 seem about right?

14 A. That seems a little on the high side just  
15 because the largest single category here is 2,571, and  
16 most the rest of these are quite a bit smaller.

17 Q. So I can represent to you that we added the  
18 numbers, and it's 10,032. But for purposes of the  
19 conversation, we can take a break if you want to add  
20 them up yourself and come to kind of your own  
21 conclusion.

22 A. You know, that might not -- might not be a bad  
23 idea to do that.

24 MS. DAWSON: Okay.

25 Let's do that.

1           Let's go ahead and take -- how long do you  
2           think you'd like just to not feel pressured and be able  
3           to run those numbers?

4                     THE WITNESS: I'd say about ten minutes.

5                     MS. DAWSON: Okay.

6           Let's go ahead and take a quick ten-minute  
7           break, then.

8                     THE VIDEOGRAPHER: Going off the record.

9           The time is 11:15 a.m.

10                    (Pause in the proceedings.)

11                    THE VIDEOGRAPHER: We are back on the  
12           record.

13           The time is 11:19 a.m.

14           BY MS. DAWSON:

15           Q. Mr. Cramer, during our break, did you have the  
16           opportunity to calculate a total number for that chart  
17           on page 20?

18           A. Yes. And you're right. It is -- it is -- I'm  
19           not sure exactly which query produced that data, but  
20           it's clearly wrong. I can tell you how many incidents  
21           and dead there were by firearms before 1960 and how  
22           many by non-firearm before 1960.

23           Q. And can you explain to me when you say that  
24           it's clearly wrong?

25           A. Well, the query that I constructed to request

1 this information for the database was clearly not  
2 properly constructed. I will say that I -- SQL  
3 database queries can be sometimes rather confusing.  
4 And I will not say that I'm quite as expert perhaps as  
5 I need to be, but I at least have numbers that make  
6 some sense now.

7 Q. So we have the -- we have the chart here,  
8 which it sounds like you agree is likely incorrect. We  
9 have the numbers on page 21. And just so that I am  
10 clear, what do those numbers represent in the first  
11 paragraph on page 21 where it says "When grouped by  
12 incidents..."?

13 A. Incidents where only a non-firearm item was  
14 marked. Because I've added a few entries in the  
15 last -- in the last few days, incidents before 1960,  
16 the non-firearms incidents are now 3,812 dead, a total  
17 of 807 incidents. And the incidents by firearm are now  
18 866 incidents, 3,740 dead. It definitely changes  
19 things a bit.

20 Q. Okay.

21 And so if you flip to -- I'll take you to --  
22 let me take a look at my page number. For my own  
23 information, when we're looking at your non-firearm  
24 data, were there any instances or incidents in that  
25 dataset where more than 50 people were killed?

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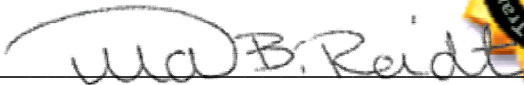
## C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF PIERCE

I, Tia Reidt, a Certified Court Reporter in and for the State of Washington, do hereby certify that the foregoing transcript of the deposition of CLAYTON CRAMER, having been duly sworn, on January 19, 2023, is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 26th day of January, 2023.

  
/S/ Tia B. Reidt  
Tia B. Reidt, RPR, CSR Oregon #22-0001  
NOTARY PUBLIC, State of  
Washington.  
My commission expires  
5/15/2026.

